IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

CRP.No. 177 of 2007()

OPELE.58/2002 of ADDL.DISTRICT COURT-I,MAVELIKKARA

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REVN. PETITIONER: IST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA,
KAYAMKULAM, REP. BY ITS CHIEF MANAGER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENT: PETITIONER

DEVAKI AMMA, PANANGATTU HOUSE,
MUTTOM MURI, CHEPPAD VILLAGE.

BY ADV. SRIR.AZAD BABU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.177 of 2007

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Dated this the 6th day of December, 2007.

ORDER

This revision petition is preferred against the order of the Additional District Judge, Mavelikara in O.P.(Ele) No.58 of 2002 whereby the court has awarded enhanced compensation of Rs.47,596/-. Power Grid Corporation, which is aggrieved by the said decision, has come up in revision. Learned counsel for the revision petitioner relied upon the decision of a Full Bench of this Court reported in **Kumba Amma** v. **K.S.E.B.** - 2000(1) K.L.T. 542 in which the court fixed 5% annuity. Thereafter he referred to the decision of Apex Court reported in **K.S.E.B.** v. **Livisha** - 2007(3) K.L.T. 1 whereby the Apex Court has remanded the matter to the High Court for fresh consideration. The Apex Court has held as follows:

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore,

> in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case."

In the light of the above decision, the matter requires reconsideration for the reason that additional documentary as well as oral evidence is necessary for a proper disposal of the matter.

2. Therefore, the order under challenge is set aside and the matter is remitted back to the court below for deciding the same afresh after affording equal opportunities to both sides and produce and adduce oral as well as documentary evidence in support of their respective contentions and the court is directed to dispose of the matter in the light of the principles laid down in **K.S.E.B.** v. **Livisha** - 2007(3) K.L.T.1. Parties are directed to appear before the court below on 15.1.2008.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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